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District of Hawaii

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

DIANNE ESTELLE HENSLEY, Plaintiff, vs. DR. JEREMY OAKLEY, Defendant.	CIVIL NO. 14-00472 (Civil No. 3SC14-1-211), In the Small Claims Division of the District Court of the Third Circuit, Puna Division, State of Hawaii) NOTICE OF REMOVAL OF CIVIL ACTION; EXHIBIT "A"; CERTIFICATION OF FLORENCE T. NAKAKUNI; CERTIFICATE OF SERVICE
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NOTICE OF REMOVAL OF CIVIL ACTION

Comes now, Defendant Dr. Jeremy Oakley, by and through his undersigned attorneys, Florence T. Nakakuni, the United States Attorney for the District of Hawaii and Assistant United States Attorney Edric M. Ching, and sets forth the following facts on his behalf:

1. On July 16, 2014, a Statement of Claim and Notice was filed by Plaintiff, against Defendant Dr. Jeremy Oakley, in the Small Claims Division of the District Court of the Third Circuit, Puna Division, State of Hawaii. This District Court action is numbered Civil No. 3SC14-1-211.

2. A copy of the Statement of Claim and Notice relating to the District Court action regarding said Defendant Dr. Jeremy Oakley was provided to the United States Attorney for the District of Hawaii on or about August 15, 2014. A copy of the Statement of Claim and Notice are attached hereto as Exhibit "A".

3. In the Statement of Claim, plaintiff seeks damages arising out of the August 2, 2012 dental treatment he received from Defendant Dr. Jeremy Oakley.

4. At the time of the above-referenced treatment, Defendant Dr. Jeremy Oakley was employed by The Bay Clinic, Inc. which was deemed eligible for Federal Torts Claim coverage effective January 1, 2012.

5. As such, Defendant Dr. Jeremy Oakley, at all times relevant, was a federally deemed employee of The Bay Clinic, Inc. and covered by the Federal Torts Claim Act.

6. This notice of removal is filed pursuant to 28 U.S.C. § 1442(a)(1) and 28 U.S.C. § 2674.

7. Upon removal of this matter to the United States District Court, the United States of America will substitute the United States of America as the defendant in place of Dr. Jeremy Oakley.

8. As noted in the attached declaration of Florence T. Nakakuni, defendant Dr. Jeremy Oakley was acting within the course and scope of his duties as a dentist with The Bay Clinic, Inc.

WHEREFORE, Defendant Dr. Jeremy Oakley gives notice that the above-action now pending against him in the Small Claims Division of the District Court of the Third Circuit, Puna Division, State of Hawaii, is removed therefrom to this court.

DATED: October 16, 2014, at Honolulu, Hawaii.

FLORENCE T. NAKAKUNI
United States Attorney
District of Hawaii

/s/ Edric M. Ching
By _____
EDRIC M. CHING
Assistant U.S. Attorney

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

DIANNE ESTELLE HENSLEY,

CIVIL NO. 14-00472

Plaintiff,

(Civil No. 3SC14-1-211), In
the Small Claims Division of
the District Court of the
Third Circuit, Puna Division,
State of Hawaii)

vs.

DR. JEREMY OAKLEY,

Defendant.

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that, on the date and by the method
of service noted below, a true and correct copy of the foregoing
was served at their last known address:

By First Class Mail:

Dianne Estelle Hensley
P.O. Box 1331
Pahoa, Hawaii 96778

DATED: October 16, 2014, at Honolulu, Hawaii.

FLORENCE T. NAKAKUNI
United States Attorney
District of Hawaii

/s/ Edric M. Ching
By _____
EDRIC M. CHING
Assistant U.S. Attorney

Attorneys for Defendant